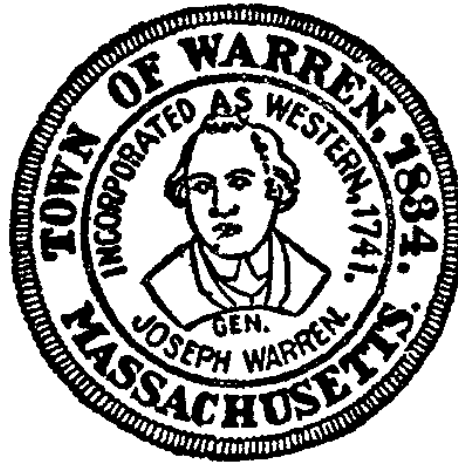


RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND



PLANNING BOARD
WARREN, MASSACHUSETTS

AMENDED APRIL __, 2010

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RULES AND REGULATIONS
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SECTION I: PURPOSE AND AUTHORITY

A. Authority

Under the authority vested in the Warren Planning Board by Chapter 41, Section 81-Q of the General Laws, the Board hereby adopts these Rules and Regulations Governing the Subdivision of Land in the Town of Warren.

B. Purpose

The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions and in proper cases parks and open areas. The Planning Board and Board of Appeals shall exercise their powers under the Subdivision Control Law with due regard:

- for providing adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
- for lessening congestion in such ways and in adjacent public ways;
- for reducing danger to life and limb in the operation of motor vehicles;
- for securing safety in the case of fire, flood, panic and other emergencies;
- for ensuring compliance with the Warren Zoning By-Law;
- for securing adequate provision for water, sewerage, drainage, and other requirements where necessary in a subdivision; and
- for coordinating the ways in a subdivision with each other and with the ways in the Town and with the ways in neighboring subdivisions.

It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of the Board if such plan conforms to the recommendation of the Board of Health and to the reasonable Rules and Regulations of the Planning Board pertaining to the subdivision of land. The Planning Board may, however, when appropriate, waive, as provided for in MGL c. 41 §81-R, such portions of the Rules and Regulations as is deemed advisable.

SECTION II: GENERAL

A. Definitions

Applicant: A person who applies for the approval of a plan for a subdivision, or a person who applies for a plan believed not to require approval under Section III. "Applicant" shall include an owner, or his agent or representative, or his assigns. If an agent represents the Applicant, written evidence shall accompany the application that the agent has authority to submit said application for each owner.

Board: The Planning Board of the Town of Warren.

Cul-de-sac: A street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

Easement: A right acquired by public authority or other person to use or control property for a utility or other similar purpose.

Lot: An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings.

Monument: A permanent marker to indicate a boundary point or other point for measurement purposes.

Planning Board Agent: A Town employee or consultant authorized by the Planning Board to review subdivisions and/or administer the Regulations.

Recorded: Recorded in the Worcester District Registry of Deeds, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court.

Standard Specification: The Commonwealth of Massachusetts, Department of Transportation, "Standard Specifications for Highways and Bridges", 1988 Edition, as amended by the "Supplemental Specifications", 2006 Edition.

Streets:

- (a) **Major Street**--a street, which in the opinion of the Board, is likely to carry substantial volumes of through traffic.
- (b) **Secondary Street**--a street other than a major street, which in the opinion of the Board, is likely to carry traffic other than just to or from lots on that street.
- (c) **Minor Street**--a street that is likely to carry only vehicles traveling to or from lots on that street.
- (d) **Dead-End Street:** A street, extension of a street, or system of streets connected to another street at one (1) point only. Any proposed street that intersects with a dead-end street shall be deemed an extension of the dead-end street.

Subdivision: The division of a tract of land into two or more lots and shall include re-subdivision, and when appropriate to the text, shall relate to the process of subdivision of land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract divided has frontage on (a) a public way, or (b) a way shown on a plan heretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve

such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as required by the Warren Zoning By-Law for erection of a building on such a lot.

Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the required frontage, or the division of a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision (§81-L of c. 41, MGL).

B. Approved Plan Required

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvements or sale of lots in a subdivision or the construction of ways, or the installation of municipal services therein, unless and until the Planning Board approves a Definitive Plan of such subdivision as hereinafter provided.

C. Fees

The Applicant shall be responsible for all expenses incurred for plans, surveys, advertisements for hearings, consultant costs, and inspections. See Table 1.

D. Peer Review Consultant Costs

1. If the Planning Board determines that due to the size, scale or complexity of a subdivision plan, or because of the project's proposed impacts, the assistance of outside consultants is warranted, the Board may require that the Applicant pay a review fee to cover the reasonable costs incurred by the Board for the employment of outside consultants.
2. The Town Treasurer shall deposit funds received pursuant to this section in a special account established for this purpose. Expenditures from this account shall be made at the direction of the Planning Board without further appropriation. Expenditures shall be made only in connection with the review of a specific project for which a review fee has been or will be collected from the Applicant. Failure of an Applicant to pay a review fee shall be grounds for denial of the subdivision plan.
3. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the Applicant or to the Applicant's successor in interest. A final report of the account shall be made available to the Applicant or the Applicant's successor in interest.
4. An Applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds of such an appeal shall be limited to those stated in Chapter 593 of the Acts of 1989.

E. Compliance with the Zoning Bylaw

The Planning Board shall not approve or modify and approve any plan of a subdivision of land unless all lots shown on said plan comply with the Warren Zoning Bylaw, or unless the Board of Appeals has granted a variance from the terms thereof, recorded in the Worcester District Registry of Deeds, and so noted on the plan.

Table 1

F. Planning Board Fee Schedule

‘Form A’ Lots Filing Fee Peer Review Fee	\$40.00/lot NA
Preliminary Plan ¹ Filing Fee Peer Review Fee	\$200.00 \$100.00/lot or \$1,000.00 minimum
Definitive Plan Filing Fee Peer Review Fee	\$200.00 \$1,000.00 plus \$7.00 per linear foot of proposed roadway (measured at the center line)
Definitive Plan with No Preliminary Plan Submission Filing Fee Peer Review Fee	\$200.00 \$2,000.00 plus \$10.00 per linear foot of proposed roadway (measured at the center line)
Modification/Amendment Filing Fee Peer Review Fee	\$200.00 Actual cost of the Peer Review.
Each Waiver Requested	\$50.00 per lot or \$500.00 maximum-Planning Board may waive this fee for minor waivers at its discretion.
Lot Releases	\$100.00 per lot
Street Acceptance Plan	\$2,000.00
Subdivision Inspection Costs A cost per linear foot (lf) of road based on the following schedule:	0-500’ \$15.00 Each additional lf over 500’ \$10.00

¹ Note: A Preliminary Plan must be submitted for a Non-Residential Subdivision.

SECTION III PLAN BELIEVED NOT TO REQUIRE APPROVAL

A. Application

Any person who wishes to record a Plan of Land in the Registry of Deeds, or to file a Plan with the Land Court, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and Application Form A to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice from the Town Clerk stating the date of submission for such determination and accompanied by a copy of such application. If the Applicant gives notice by delivery, the Town Clerk shall, if requested, give a written receipt to the Applicant.

B. Form and Content of the Plan

1. The Applicant shall file with the Planning Board, at one of its regularly scheduled meetings:
 - a. Two copies of a properly executed Form A (see Forms) accompanied by the necessary evidence to show that the plan does not require approval
 - b. The plan printed on mylar in the form set forth in Section III. B of these Rules and Regulations, and a minimum of four (4) prints thereof. The Board shall retain four (4) copies of the Plan for distribution.
 - c. The proper filing fee (see Fee Schedule).
2. The plan shall be prepared in black ink upon mylar of suitable dimensions. The plan shall contain the following information:
 - a. A proposed locus plan, north point, date, scale, legend, and the title "Plan of Land;"
 - b. The names and addresses of the record owner or owners of the property shown on the plan and the Applicant, if not the owner; the date or dates of acquisition of the property; all deed references; the Town Assessor's sheet number and parcel number for the property; and the name, signature and appropriate seal of the engineer or land surveyor who prepared the plan;
 - c. All property boundary lines adjacent to the proposed land division;
 - d. The zoning classification of the property, and the location of any zoning district boundary lines that lie in the vicinity of the property, including any variances, exceptions or other decisions issued for the property or for any existing or proposed building or structure thereon by the Warren Board of Appeals or a court of competent jurisdiction;
 - e. Proposed lot lines within the property shown on the plan, with approximate areas and dimensions, including frontage, of such lots, and a number on each lot, including the entirety of any lot proposed to have its boundaries changed. Any proposed parcel that does not conform to zoning shall be designated on the plan as "not a buildable lot."
 - f. The location of all existing property lines, structures, streets, ways, and easements on or abutting the land.
 - g. The statement "Planning Board Approval under the Subdivision Control Law Not Required" and sufficient space for the date and endorsement of the Planning Board, with the following statement immediately above or below such space:

Planning Board endorsement does not constitute a determination of compliance with the Warren Zoning By-Law.

C. Planning Board Determination

1. The Board shall determine whether vital, direct, practical and traversable access to municipal services exists from the abutting way to the buildable portion of a lot. The access shall be safe and convenient for travel. Where access is illusory due to the existence of steep grades, or other physical barriers, constraints or impediments, the Board shall not consider the lot as having sufficient frontage to allow a division of land without approval under the Subdivision Control Law.
2. If the Board determines that the plan does not require approval, the majority of the Board shall without a public hearing and without unnecessary delay endorse on the plan the words "Approval Not Required". This endorsement does not imply that the plan complies with the Warren Zoning Bylaw. The Board shall return the signed original to the Applicant and shall notify the Town Clerk, in writing, of its action within twenty-one (21) days after submission of the plan.
3. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the Plan so inform the Applicant and return the plan. The Board will notify the Town Clerk of its action.
4. If the Board fails to act upon a plan submitted under this section within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required. The Board shall forthwith make such endorsement on the plan, and upon the failure of the Board to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

SECTION IV PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Plan

1 Submission of a Preliminary Plan

Any person who wishes to create a residential subdivision may, and any person who wishes to create a non-residential subdivision shall, submit a Preliminary Plan. The submission of such a Preliminary Plan will enable the Applicant, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before preparing a Definitive Plan. Therefore, the Board strongly encourages the submission of a Preliminary Plan in every case.

2. Method of Submission of a Preliminary Plan

The Applicant shall file an application Form B and a copy of the Preliminary Plan with the Town Clerk. The Applicant shall submit to the Planning Board an original and eight (8) copies of the Preliminary Plan. The Board shall send copies of the Plan to the Board of Health, Conservation Commission, Highway Surveyor, Sewer Commission, if applicable, and Water District, if applicable. The Applicant shall pay to the Town Clerk the fee specified in Section 2.D to cover the costs of plan filing and for peer review services by the Board's consulting engineer.

3. Contents of a Preliminary Plan

The Preliminary Plan shall have a scale of one inch equals one hundred feet (1"=100') and shall be filed with the Planning Board at a regular meeting. Said plan should be identified as a Preliminary Plan and should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information should include:

- a) The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"
- b) The names of the record owner and the Applicant and the name of the designer, engineer or surveyor
- c) The names of all abutters, as determined from the most recent local tax list
- d) Major site features such as existing swamps, water bodies, existing topography, stone walls, fences, buildings, large trees and outcroppings
- e) Lines of existing and proposed streets, ways, easements, and any public lands within the subdivision
- f) Proposed system of water supply and sewage disposal
- g) The proposed system of drainage, including adjacent existing natural waterways
- h) Approximate boundaries of proposed lots, with approximate areas and dimensions
- i) Names, approximate locations, and widths of existing ways
- j) Zoning districts of all areas shown on the plan

4. Approval

Within forty-five (45) days after submission of the Preliminary Plan, the Planning Board shall notify the Applicant by certified mail either: a) that the Board has approved the plan; or b) that the Board has approved the plan with modifications; or c) that the Board has disapproved the plan. In the case of disapproval, the Board shall state in detail the reasons for its disapproval. The Board shall notify the Town Clerk of its approval or disapproval, as the case may be. Except as is

otherwise provided, the provisions of the Subdivision Control Law relating to a plan shall not be applicable to a Preliminary Plan, and no Register of Deeds shall record a Preliminary Plan.

5. Regulations in Effect

Each Preliminary Plan and the Definitive Plan based thereon shall be governed by the Rules and Regulations Governing the Subdivision of Land in effect at the time of the submission of the Preliminary Plan, provided that the Definitive Plan is submitted within seven (7) months from the date on which the Preliminary Plan was submitted.

Preliminary Plan approval does not constitute approval of a subdivision.

B. Definitive Plan

1. Submission Requirements

- a. Submission Date: If submitted by delivery, the submission date shall be the date the plan was delivered at a meeting of the Board and the date of the meeting shall be the submission date. If sent by registered mail to the Board, the date of receipt shall be the submission date of the plan.
- b. Copies: An Applicant for Definitive Plan approval shall file with the Board an original drawing of the Definitive Plan and ten (10) prints thereof, dark line on white background. After approval, the Applicant shall record the original drawing with the Registry of Deeds.
- c. Delivery to Town Clerk: The Applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval, accompanied by a completed application Form C. If notice is given by delivery the Clerk shall, if requested, give a written receipt to the person who delivered such notice. He/she shall pay to the Town Clerk the fee specified in Section 2.D to cover the costs of advertising the public hearing, notices to interested parties, and peer review services by the Board's consulting engineer.

2. Contents of Definitive Plan.

The Definitive Plan shall be prepared by a Registered Professional Engineer and Registered Land Surveyor in a manner suitable for recording at the Registry of Deeds. The plan shall be at a scale of one inch equals forty feet (1" = 40'), or such other scale as the Board may accept to show details clearly and accurately. Sheet sizes shall be 24" x 36". Plans with multiple sheets shall have an index showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision names boundaries, north point, date, and scale
- b. Name and address of record owner, applicant, engineer, and surveyor
- c. Names of all abutters as they appear in the most recent tax lists
- d. Lines of existing and proposed streets, ways, lots, easements, waterways, and public or common areas within the subdivision, as well as zoning classifications where applicable
- e. Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground
- f. Location of all permanent monuments properly identified as to whether existing or proposed Locations, names, and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision
- h. Indication of purpose of easements

- i. Deed, book and page references, and Assessors' map and lot numbers of the parcel(s) to be subdivided
 - j. Areas of lots with numbers and areas of other adjoining land of the Owner or Applicant not included in the subdivision
 - k. All information required on the Preliminary Plan
 - l. Suitable space to record the action of the Board and the signatures of the majority of the Board
 - m. Existing and proposed topography at two-foot (2') contour intervals
 - n. Existing and proposed profiles on the exterior lines and proposed profile on the center-line of the proposed streets at a horizontal scale of one inch equals forty feet (1"=40') and vertical scale of one inch equals four feet (1"=4'), or such other scale acceptable to the Board. All elevations shall refer to the U.S. Coast and Geodetic Survey benchmarks.
 - o. Proposed layout of storm drainage, water supply, and sewage disposal systems
 - p. Grading at property lines on streets shall be suitable for future sidewalk construction
 - q. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock, and ground water conditions, depth to ground water, and location and results of soil percolation tests, if individual sewage disposal systems are proposed.
3. Review by Other Boards and Departments
- a. Review by Board of Health as to Suitability of Land
 - (1) At the time of filing the Definitive Plan, the Applicant shall file with the Board of Health two (2) prints of the Definitive Plan together with such information on proposed sewage disposal methods as the Board of Health may require. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board in writing its approval or disapproval of said plan. Failure of the Board of Health to report shall be considered an approval of the plan by the Board.
 - (2) If the Board of Health disapproves said plan, it shall make specific findings as to which lots, if any, shown on the plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan.
 - b. Plan Distribution

The Planning Board shall send a copy of the plan to the applicable Water District, Tree Warden, Highway Surveyor, Inspector of Buildings, Conservation Commission, Board of Assessors, Police Chief, Fire Chief, and Sewer Commission. These boards and individuals may send written comments to the Planning Board within thirty (30) days with their recommendations relative to the plan.
4. Public Hearing
- a. Before approval, modification and approval, or disapproval of the Definitive Plan, the Planning Board shall hold a public hearing at which interested parties shall have an opportunity to comment. Notice of the time and place of such hearing and of the subject matter sufficient for identification, shall be given by the Planning Board at the expense of the Applicant by advertisement in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before

the date of the hearing, and by mailing a copy of such advertisement to the Applicant and all owners of land abutting upon the land included in such plan, as shown on the most recent tax list.

- b. The Board may continue the hearing at the site of the proposed subdivision. The Applicant and his engineer shall attend the public hearing.

5. Planning Board Action

- a. After the public hearing required and after the report of the Board of Health or lapse of forty-five (45) days without such report, the Planning Board shall approve, or, if such plan does not comply with the Subdivision Control Law or the Rules and Regulations of the Board or the recommendations of the Board of Health, shall modify and approve or shall disapprove such plan. In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to its Rules and Regulations or the recommendations of the Board of Health and shall revoke its disapproval and approve a plan, which as amended, conforms to its Rules and Regulations or Board of Health recommendations.
- b. The Planning Board shall file a Certificate of Action within ninety (90) days of the receipt of the Definitive Plan if a Preliminary Plan has been filed or one hundred thirty-five (135) days if no Preliminary Plan has been filed. The time for acting on a Definitive Plan may be extended upon written request of the persons submitting the plan and approval of the request by the Board. Planning Board approval shall require a majority of the entire membership of the Board.
- c. The Board shall file a certified copy of its Certificate of Action with the Town Clerk and send a certified copy by delivery or registered mail to the Applicant at the address on the application.
- d. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially so authorized by the Board) but not until the statutory twenty (20)-day appeal period has elapsed following the filing of the certificate of the action of the Board that no appeal has been filed.
- e. Any conditions of approval shall be either endorsed on the Definitive Plan or set forth in a separate instrument referred to on the Plan.
- f. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision. The Applicant shall retain ownership of the street(s) and shall be responsible for maintenance until accepted as a public way(s) by Town Meeting.
- g. If the Board of Health report so requires, the approval by the Planning Board shall be on the condition that no building or structure shall be built or placed without the consent of the Board of Health. If the Board of Health fails to report, the Planning Board shall note on the plan that Board of Health approval is by failure of the Board to report.

6. Certificate When Planning Board Fails To Act

In the case of the approval of a definitive plan by reason of the Planning Board's failure to act within the time prescribed, the Town Clerk shall, after the expiration of twenty (20) days without notice of appeal to the court, or, if an appeal has been taken and the Clerk has received the certified records of the court that approval of the plan has become final, shall issue a certificate to the person who submitted the plan. The certificate shall state the date the plan was submitted for approval, the fact that the Planning Board failed to take timely final action, and that the approval resulting from such failure has become final.

7. Performance Guarantee

a. General Requirements

- (1) After expiration of the appeal period and before endorsement of the Board's approval or conditional approval of any Definitive Plan, the Applicant shall agree both to meet the conditions and to complete the required improvements shown on the Plan and in accordance with Section VI for all lots in the subdivision. Construction of roads and installation of utilities within the subdivision shall be secured by one, or in part by one and in part by another, of the following methods, which may, from time to time, be varied by the Applicant. Said security shall be posted and approved by the Planning Board prior to any construction, installation, or sale of lots. Construction and installation within existing street right-of-ways shall be secured by surety as required by the Highway Surveyor under a Street Entrance Permit and other applicable permits of other Town departments or water districts.
- (2) Performance secured by bonds or surety, a tri-partite agreement, cash, or negotiable securities shall be in an amount sufficient to cover the cost of all the improvements, the maintenance of such improvements for one year, and a 10% contingency factor.

b. Approval with Bonds or Surety

- (1) The Applicant shall file a duly executed performance bond from a Massachusetts licensed surety company in an amount determined by the Board to be sufficient to cover the cost of all the improvements specified in Section 5 not covered by a covenant under Section III.B.5.(c) below.
- (2) Town Counsel shall approve the surety company's performance bond as to form and manner of execution.
- (3) Such bond or surety shall be accompanied by an appropriate and properly executed agreement, and shall be contingent on the completion of such improvements before the date so specified.

c. Approval with Covenant

The Applicant shall file a duly executed Covenant, which provides that no lot may be built upon or sold until the ways and municipal services necessary to serve such lot have been constructed and installed. Town Counsel shall approve such covenant as to form and manner of execution. The owner shall record the covenant in the Registry of Deeds and the covenant shall run with the land. The covenant shall state that the ways and services as specified in Section VI not covered by bond or deposit hereof, or a tri-partite agreement, shall be provided to any lot before such lot may be built upon or conveyed.

d. Approval with Tri-Partite Agreement

- (1) A tri-partite agreement satisfactory to the Planning Board shall be held by a bank chartered by the Commonwealth of Massachusetts. The Board may release portions of the amount held as security upon satisfactory completion of portions of the work as specified in the Agreement and in accordance with these Regulations.
- (2) Said agreement shall provide a schedule of disbursements, which may be made to the Applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available to the Town for completion.
- (3) Town Counsel shall approve the Tri-Partite Agreements as to form and manner of execution.

- e. Approval with Cash or Negotiable Securities
 - (1) In the case of performance secured by cash or negotiable securities, such security shall be of an amount determined by the Board to be sufficient to cover the cost of all the improvements specified in Section 5 not covered by other means.
 - (2) The Town Treasurer shall approve negotiable securities.
- 8. Recording of the Plan and Decision
 - a. After the Board has approved and endorsed the Definitive Plan, the Applicant shall record the Plan, Decision, and accompanying Covenants and Agreements, if any, at the Registry of Deeds and forthwith shall furnish the Board with six prints of the recorded Plan and documents. The Board shall file one copy of the Plan with the Building Inspector, Board of Health, Highway Surveyor, and Board of Assessors.
 - b. Where approval with covenant is noted on the Plan, the Building Inspector shall not issue any permits for the construction of a building on any lot within the subdivision without receipt from the Board of a copy of the Certificate of Performance (Form D).
- 9. Reduction or Release of Performance Guarantee
 - a. Release of Covenant, Release of Lots
 - (1) The Board may release individual lots under covenant from time to time. Notwithstanding any releases or other action authorized by the Planning Board, the Applicant is not thereby released from his own responsibility to ensure buildability of the lot(s) or to obtain other permits or approvals that may be required, including but not limited to those required through the Conservation Commission.
 - (2) Notwithstanding any other issues regarding security for completion or maintenance of the site, no lot shall be released unless and until an amount equal to not less than fifteen percent (15%) of the anticipated cost to construct the entire project, for maintenance of streets and municipal services, is deposited with the Board. The Board may, if it believes it necessary, and for specified purposes, require a greater amount.
 - b. Reduction of Financial Performance Guarantee.
 - (1) The Board may reduce the sum of any surety or the amount of any deposit held under Section III.B.5 in whole or in part for work completed and accepted by the Board. If release is by covenant, the Board may require a new plan of the portion to be subject to the covenant.
 - (2) The Applicant shall present to the Planning Board a list of all construction items performed and/or completed. The amount to be reduced by the Planning Board shall be based upon prevailing construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project but shall withhold no less than ten percent (10%) of the original financial performance guarantee.
 - (3) If the Planning Board determines that said construction has been completed, the Planning Board shall notify the Town Treasurer within forty-five (45) days that the Planning Board releases the interest of the Town in such bond or deposit and that it shall be returned to the person or persons who furnished same, or in the case of covenant, the Planning Board shall issue a written release of the covenant.
 - (4) Notwithstanding the above, however, a minimum of ten percent (10%) of the cost to construct the entire project shall be held by the Town, for the maintenance of streets and municipal services until the streets are accepted by the Town, after which date the Town shall

return the remainder of the amount to the person or persons who furnished same. The Board may, if it believes it necessary and for specified purposes, require a greater amount.

- (5) Notwithstanding any reduction in surety, however, the Planning Board reserves the right to require corrective work at any time, until the roadways and municipal services have been accepted or similarly approved by the Town.

10. Completion of Work by the Town

The proceeds of any such bond or deposit shall be made available to the Town for expenditure to meet the cost and expenses of the Town in completing the work as specified in the approved plan. If such proceeds do not exceed \$100,000, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four, provided, however, that the Board of Selectmen approves such expenditure.

11. Final Release of Performance Guarantee/Acceptance

- a. When the Applicant has completed the required improvements specified in Section VI for any lots in the subdivision, he/she may request a Release of Conditions for such lots. The Applicant shall send by registered mail to the Town Clerk and the Planning Board a written statement containing the address of the Applicant that the improvements for which the bond, deposit or covenant has been given have been completed in accordance with the approved plan.
- b. If the Applicant has completed the improvements to the satisfaction of the Board, the Board will execute and deliver to the Applicant such Release, which shall be in form for recording in the Registry of Deeds. Thereafter, the conditions relating to such lots so released shall terminate.
- c. If the Board determines that said improvements have not been completed, it shall specify in a notice sent by registered or certified mail to the Applicant and delivered to the Town Clerk, the details wherein said construction or installation fails to comply with the requirements of these Regulations. The Applicant shall be responsible for any action necessary to address the failures, and shall re-notify the Board under this same procedure after completing those actions.
- d. If the Board fails to send such notice within forty-five (45) days after the receipt by the Clerk of the Applicant's written statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day (45) period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- e. The Board may withhold final release of the surety or covenant until satisfied as to the integrity and suitability of all aspects of the subdivision for a period of at least eighteen (18) months following the Board's Determination of Completeness of the subdivision. Items to be evaluated include, but are not limited to, the following:
 1. Pavement integrity, including sidewalks, curbing/berm, etc.
 2. Permanent grass on all seeded areas
 3. Establishment of vegetation on sloped areas
 4. Replacement of any trees planted by the Applicant that are unhealthy or have died
 5. Shoulders and embankments
 6. Functional integrity of all parts of the drainage system
 7. Installation of utilities

8. Satisfactory completion of any other items, including conditions of covenants, which are the responsibility of the Applicant
- d. At the written request of the Applicant, approximately sixty (60) days before the expiration of the minimum eighteen (18)-month period from the Board's Determination that the project is complete, or other such time period as specified by the Board, the Board shall request the Highway Surveyor and its Engineer to make an inspection of said street or way or portion thereof and all other improvements to determine whether or not defects have developed therein, determine whether or not they are functioning adequately and appropriately, and determine whether or not it should recommend to the Board of Selectmen the laying out of said street or way or portion thereof as a public way. The Board shall at the same time cause to be published in a newspaper of general circulation in the Town an announcement that such inspection will be made and that the release of the Town's interest in the surety is contemplated. If the recommendation is in the affirmative, the Board shall so advise the Board of Selectmen forthwith.
- e. Prior to considering any request for final release, the Applicant shall file with the Planning Board a final Acceptance Plan on mylar of completed street or streets, utilities and easements together with proper legal descriptions for initiating an article in the Town Warrant pursuant to the acceptance of the ways by the Town Meeting and shall grant a deed to the Town of the streets, utilities and easements, as contained in the plan. Such plan, easements, and deeds shall be suitable for recording by the Town upon acceptance of the streets by Town Meeting vote. If the recommendation made in paragraph d. above is in the affirmative, the Board shall so advise the Board of Selectmen forthwith and the Applicant shall prepare and submit a petition or petitions sufficient to effect Town Meeting acceptance of the roads and utilities. The Board shall issue such determination and recommendation within forty-five (45) days of a properly made request.
- f. Upon acceptance of the road and utilities by Town Meeting vote, any monies held by the Board for the maintenance of said way(s) shall be returned forthwith to the Applicant.

12. Automatic Rescission of Approval

The Applicant shall complete construction of all ways and the installation of all municipal services in accordance with the approved plan within twenty-four (24) months, or such other time as the Board may authorize, from the date the Planning Board endorses its approval. The Planning Board may grant extensions to complete construction of the subdivision upon showing of good cause and proof of due diligence to complete the work in a timely manner. Failure to complete the work within said twenty-four (24) months or extended time shall automatically rescind approval of the plan.

13. Appeal of Planning Board Decision

- a. Any person, whether or not previously a party to the proceedings, or any municipal officer or board, aggrieved by the Planning Board's decision on a Definitive Plan or the Board's failure to take timely action may appeal to the Superior Court or the Land Court in accordance with MGL c. 41 §81BB.
- b. Any appeal must be entered with the court within twenty (20) days after the decision was filed with the Town Clerk, or within twenty (20) days after the final action date if the Planning Board failed to act on the definitive plan.
- c. The Applicant shall also file a notice of appeal with the Town Clerk within the twenty (20)-day period.

SECTION V DESIGN STANDARDS

A. Streets

1. Location and Alignment

- a. All streets in the subdivision shall provide, in the opinion of the Board, safe vehicular travel. Due consideration shall also be given to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform, so far as practicable, to the Master Plan adopted by the Board.
- c. Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property that is not yet subdivided.
- d. To the extent practicable, the street system shall be designed to create a grid with multiple internal connections to provide alternate routes of travel within the subdivision for residents and emergency vehicles. The subdivision shall also provide multiple connections to streets bounding the property to reduce the traffic burden on any one subdivision street.
- e. Reserve strips prohibiting access to streets of adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- f. Street intersections with centerline offsets of less than one hundred twenty five feet (125') are prohibited.
- g. The minimum centerline radii of curved streets shall be two hundred feet (200') for minor streets, three hundred feet (300') for secondary streets, and five hundred feet (500') for major streets.
- h. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°).
- i. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty feet (30') and have vertical granite curbing for the entire length of the curve.
- j. Cuts or fills in excess of eight feet (8'), or roadway locations resulting in lots being more than eight feet (8') above or below the grade of the roadway, shall be substantiated by the submission of cross sections showing the proposed grading within one hundred feet (100') of the roadway.
- k. Roads shall be related appropriately to the topography. Minor roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged to obtain as many building sites as possible at or above the grade of the street. Grades of streets shall conform as closely as possible to the original topography.
- l. Roadway centerlines shall be parallel with the sidelines of the roadway right-of-way. The distance between edge of pavement and edge of right-of-way shall remain constant.

2. Right-of-Way Width

The minimum width of street rights-of-way shall be fifty feet (50') for minor and secondary streets and sixty feet (60') for major streets. The Board may require greater width when deemed necessary for present and future vehicular travel.

3. Grade

- a. Grades of streets shall be not less than 0.75%. Grades shall not be more than 6.0% for major streets, more than 8% for secondary streets, and 10% for minor streets.
- b. Vertical curves shall be installed wherever the change in grade exceeds two percent (2%). All vertical curves shall be designed to accommodate a minimum stopping sight distance of two hundred feet (200') at a design speed of thirty (30) MPH. All calculations shall be based on the formulas listed in the Highway Design Manual produced by the Massachusetts Department of Transportation.
- c. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of superelevation of the curves or other protection.

4. Dead-End Streets

- a. Dead-end streets shall not be longer than seven hundred fifty feet (750') unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. The length of dead end streets shall be measured from the sideline of the right-of-way of the intersecting street to the center of the turnaround.
- b. Dead-end streets shall have a turn-around with an outside roadway diameter of at least one hundred feet (100') and a property line diameter of at least one hundred twenty feet (120').
- c. The plans shall show a roadway easement from the end of the dead end street to adjacent property. If the adjacent property is subdivided, the easement should align and connect to its corresponding easement. The Applicant shall demonstrate that such easement is reasonably developable in accordance with these regulations through the provision of a plan and profile for the easement corridor.
- d. If a dead end street is subsequently extended beyond the required turn-around, any easement other than land required for the extension of the roadway shall be relinquished to the adjacent properties. Until such extension is constructed, no land lying in the easement may be used in determining the area or frontage of any lot to determine conformity with the minimum requirements under the Warren Zoning Bylaw. In addition, no land lying in the easement may contain permanent structures that would prevent use of such land in the future for right-of-way purposes. Upon such extension, all excess pavement in the turn-around shall be removed and the land graded and landscaped in conformity with the adjacent property.
- e. Where site conditions are favorable, cul-de-sac islands shall contain bioretention areas to treat and infiltrate runoff. The paved area should be pitched allowing the stormwater runoff to flow into the center bioretention area for treatment and infiltration. The center bioretention area shall be depressed to allow the collection and infiltration of surface runoff. In slowly permeable soils, a perforated under-drain may be installed at the bottom of the excavation to prevent ponding.

5. Adequate Access from Public Ways

- a. Where the street system within the proposed subdivision does not intersect with or have, in the opinion of the Planning Board, adequate access from an existing public way that has sufficient width, suitable grades and adequate construction, the Board shall require, as a condition of approval, that such adequate access be provided by the Applicant, and/or that the Applicant make physical improvements to and within such existing or proposed way of access in accord with the design and construction requirements of these Rules and Regulations, from an appropriate street within a subdivision to the nearest public way most suitable in terms of width, grade and construction.

- b. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the Applicant to dedicate a strip of land along the tract's frontage for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Such strip shall not be used in the calculation of lot area and yard setbacks. Any dedication of land and any work performed within the public way shall be made only with permission of the governmental agency having jurisdiction over the way, and all costs of any such widening or construction shall be borne by the Applicant.

6. Access Through Another Municipality

Where a subdivision street crosses land in another municipality, the Board may require that the Applicant provide certification from appropriate officials of the abutting municipality:

- a. that the way in question is in accordance with the Subdivision Rules and Regulations of that municipality;
- b. that the security for construction in that municipality is adequate; and
- c. that the way provides adequate access for police, fire, and emergency vehicles as well as the expected traffic generated by the subdivision.

B. Easements

1. Easements for utilities and storm sewers across lots or centered on rear or side lot lines of at least twenty feet (20') shall be provided where necessary, and filed with the Board.
2. Where utilities cross lots or are parallel to rear or side lot lines, the Plan shall provide easements at a width of at least twenty feet (20') and accessible by maintenance vehicles.
3. Where a subdivision is traversed by a water course, drainage way, channel, or stream, the Applicant shall provide a storm water easement or drainage right-of-way of adequate width as determined by the Planning Board to conform substantially to the lines of such water course, drainage way, channel, or stream to provide for construction and maintenance. In no case shall the width be less than twenty feet (20').
4. The Board may require access easements for use by emergency vehicles and for the benefit of the Town. They shall have a minimum width of twenty-five feet (25').
5. The Board may require bridle paths, footpath easements, or access easements (e.g., to conservation areas). They shall be at least twenty-five feet (25') in width.
6. Wherever possible, easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.
7. Lines of all easements shall be calculated and described on the subdivision plan with bearings and distances.

C. Open Space

Before approval of a plan, the Board may in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes. The total amount of the park area shall be eight percent (8%) of the gross area of the subdivision. By appropriate endorsement on the plan, the Board may require that for a period of three (3) years no building may be erected upon such park or parks without its approval. The Board may require an agreement to be recorded with the Plan that such parks or playgrounds have maintenance provided by the Applicant or association of homeowners until the Town acquires such property.

D. Protection of Natural Features

1. Due regard shall be shown for all natural features, such as large trees, water courses, wetlands, scenic points, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The Planning Board will strongly consider any comments or recommendations of the Conservation Commission regarding preservation or protection of such natural resources.
2. The Applicant shall preserve trees greater than sixteen inches (16") diameter at breast height on proposed lots, unless the Tree Warden approves the removal of such trees. Trees that are greater than sixteen inches (16") that must be removed shall be shown on the plan. The Applicant shall prevent backfilling or stockpiling of soil or disturbance of root systems under the leaf canopy. At the discretion of the Tree Warden, the Applicant shall install wells or retaining walls for protection or suitable grading around such trees.
3. Every subdivision shall comply with the requirements of the Wetlands Protection Act, M.G.L. c.131, §40. If design changes are required as the result of a decision by the Conservation Commission, the Applicant shall promptly notify the Planning Board. The Planning Board may condition its approval of the plan upon the issuance of an Order of Conditions by the Conservation Commission.
4. Erosion and Sedimentation Control
 - a. Minimize Site Disturbance: During the construction of the roadway and drainage system, the Applicant shall minimize disturbance to the site. Trucks and construction equipment must stay within the areas of proposed work as shown on the approved Definitive Plan.
 - b. Temporary Stabilization: Temporary vegetation, mulching, or other protective measures must be provided for areas that will be exposed for more than one month. These temporary measures must be applied immediately after disruption. Temporary measures include seeding with rye grass or other annual grasses, jute netting, spreading straw mulch, or any other method acceptable to the Board. The Planning Board may require a specific type of temporary stabilization for any given area within the subdivision. If a disturbed area will be exposed for greater than one year, permanent grasses or other approved cover must be installed. In disturbed areas, if the surface material is not suitable for the growing of seed, the Board shall require a minimum of four inches (4") of loam.
 - c. Permanent Stabilization:
 1. In all areas where the natural vegetation is disturbed, the Applicant shall submit a plan detailing the proposed re-vegetation of the site. Wood chips and mulches will not generally be permitted.
 2. Areas where the horizontal disturbance is less than twenty feet (20') may be treated with a perennial grass mixture or sod. A minimum of four inches (4") of loam is required for areas that will be seeded. The loam must be raked and free of roots, stones, and twigs.
 3. In areas where the horizontal disturbance is greater than twenty feet (20'), additional vegetation including shrubs and trees is required. The size, quantity, species, and spacing shall be determined by the Board. When posting a bond or other surety, the money held for the installation of loam, seed, sod, shrubs, trees, or other vegetation is to be held for one growing season.

E. Street Signs

Street signs shall be installed at all intersections in conformity with the Manual on Uniform Traffic Control Devices (MUTCD) and the specifications of the Warren Highway Department. Street signs

shall be of the type commonly used in the Town, and shall display the name of the street as indicated on the definitive plan. Until the Town accepts the street as a public way, the signposts shall display a sign designating the street as a private way.

F. Curbs and Berms

1. Granite Curb Inlet

A granite curb inlet of the dimensions given for granite curb inlet (Section M.9.04.5) shall be placed at each catch basin. Each such granite curb inlet shall be six feet (6') in length, from seventeen to nineteen inches (17"-19") in depth and six inches (6") wide at the top and bottom. The granite curb inlet shall be transitioned at each end where necessary to the adjoining bituminous curb by the use of a granite vertical-to-sloped transition piece.

2. Bituminous Berm

1. Road designs shall provide berms for all centerline grades at or above four percent (4%). Berms proposed at centerline grades below 4% must be justified by appropriate engineering. The Board may require the applicant to install curbs or berms on any road if determined necessary to control storm water drainage.
2. Except where granite curbing has been required, berms along the edges of a street shall be of a bituminous concrete low-profile "Cape Cod" berm along both sides for the full length of the street.

G. Curb Cuts and Driveway Openings

1. Driveways in subdivisions containing *one-family dwellings* shall be at least twelve feet (12') wide, have a curb return radius at the roadway of two feet (2'), and have an opening of at least fifteen feet (15') at the property line.
2. Driveways for all *non-residential uses* shall have a curb return at the roadway of two feet (2') in radius, and shall have an opening of at least fifteen feet (15') at the property line.
3. There shall be at least fifty feet (50') between the sideline of the right-of-way of intersecting streets (as measured from the outer edge of the radius) and a driveway as measured along the frontage.
4. Driveway openings shall not be located within five feet (5') of any existing or proposed catch basins or curb inlets.
5. Driveways and other curb cut openings shall be designed so that surface runoff is discharged in a controlled manner without causing damage to the street or erosion of private property.
6. Driveways shall comply with the construction standards of the Highway Department. At the time of construction, Applicants shall obtain a Street Entrance Permit from the Highway Surveyor.

H. Utilities - General

1. All required wiring for utilities shall be placed underground at the time of initial construction. The Board may permit transformers, switches, and other such equipment to be placed above ground in approved locations with appropriate landscaping and fencing to minimize the visual impact on near-by residences and to secure the equipment.
2. Where adjacent property is not subdivided, or where all the property of the Applicant is not being subdivided at the same time, the Plan shall provide for the extension of the utility system by continuing the mains and conduits the full length of streets and to the exterior limits of the subdivision at such grade and size that will, in the opinion of the Board, permit their proper extension at a later date.

I. Water Distribution System

1. Water mains shall be at least eight inches (8") in diameter. The Water Distribution System shall conform to the standards of the Warren or West Warren Water District, as applicable. Whenever possible, the system shall be designed to form a continuous loop with existing or proposed water mains.
2. Before activation, the water system shall be filled, flushed, pressure tested, disinfected (chlorinated/de-chlorinated) where applicable, and bacterial sampling done in accordance with the latest AWWA specifications. Any work related to the water system shall be inspected by the District or its approved agent. Stamped As-Built drawings of the water system shall be submitted to the District prior to acceptance of the system.
3. Where a public water main lies within one thousand feet (1,000') of the subdivision entrance, as measured along existing streets, the Planning Board may require the Applicant to install dry water mains within the subdivision if future extension of the water system is desirable and feasible.

J. Fire Protection

1. Fire Hydrants: Hydrants shall be provided every five hundred feet (500') on one side of each street unless the Fire Chief approves a greater distance. Hydrants shall be located at all high points and low points.
2. No Public Water System: For fire protection where a subdivision will not have access to a public water system, the Fire Chief may recommend to the Planning Board such measures as he deems necessary to insure adequate fire protection within the subdivision. The Board may require the construction of fire ponds or the installation of fire cisterns with a minimum capacity of 10,000 gallons or greater, including dry hydrant connections. Fire ponds shall meet the standards of the U.S.D.A. Natural Resources Conservation Service and shall have a minimum capacity as determined by the Board after consulting with the Fire Chief. The fire pond or cistern shall be accessible from the street or via a right-of-way in favor of the Town, and said right-of-way shall have a width of 30 feet to allow emergency vehicles clear and safe entry, free of trees, brush and other objects. The Applicant shall submit the design of the cistern to the Fire Chief for approval prior to construction. All plans must be stamped by a Structural or Fire Protection Engineer licensed in the State of Massachusetts.

K. Sewer System

1. The proposed sewer system shall conform to the standards of the Warren Sewer Department. Any work related to the sewer system shall be inspected by the Superintendent or an approved agent. Stamped As-Built drawings of the sewer system shall be submitted to the Department prior to acceptance of the system.
2. Where a public sewer main lies within one thousand feet (1,000') of the subdivision entrance, as measured along existing streets, the Planning Board may require the Applicant to install dry sewer mains within the subdivision if future extension of the sewer system is desirable and feasible.

L. Subdivision Standards for Flood Plains

The Planning Board shall review all proposed subdivisions to determine whether they will be reasonably safe from flooding. If any part of a proposed subdivision is located within the Flood Plain District established under the Zoning Bylaw, the Board shall assure that:

1. The subdivision is designed to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical and water, are located and constructed to minimize or eliminate damage from flooding.
3. Adequate drainage systems are provided to reduce exposure to flooding.
4. Base flood elevation data (the level of the 100-year flood) are provided for proposals greater than five (5) acres for that portion within the Flood Plain District.
5. Development is consistent with the provisions of Flood Plain District of the Zoning Bylaw.

M. Trails, Bikeways and Walkways

Trails, bikeways or pedestrian walkways are a desired amenity to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities. If provided, these shall be located in dedicated easements and shall not be included as part of any lot in the subdivision. The Board may also allow a trail, bikeway or walkway in lieu of a required sidewalk where such a facility will connect to an existing trail network or provide public access to natural resource areas or recreational, cultural, or public facilities.

N. Stormwater Drainage

1. Storm drains, culverts, and related installations, both surface and subsurface, shall be designed to intercept water runoff along streets at intervals reasonably related to the extent, surface, type, and grade of the area drained. A Registered Professional Engineer shall certify that the design meets the Stormwater Management Standards specified by the Mass. Department of Environmental Protection in the "Massachusetts Stormwater Handbook".
2. Proper connection shall be provided to the existing drainage system and drains shall be extended to adjacent lands to provide for their future continuation. The Board will not approve drainage systems depending on flow over streets or land outside the subdivision unless appropriate easements are obtained.
3. Catch basins shall be located at both sides of roadway not more than two hundred fifty feet (250') apart as necessary for proper interception of water runoff. Catch basins shall not be located at driveway openings. Culverts shall be designed to accommodate a 50-year frequency storm. Storm drains, catch basins, and related installations shall be designed to accommodate a 10-year frequency storm. The 100-year storm shall also be assessed for its impacts on the proposed subdivision and adjacent and downstream properties.
4. Drains shall have manholes installed at points where changes in direction or grade make such manholes necessary to ensure an uninterrupted flow of water to its final outlet. The drainage design shall include the size, quality, and type of pipes; inlets, manholes, stormwater treatment and detention areas; and the percent of grade. The applicable design criterion shall be no increase in the peak rate of runoff for the 10-year storm, and the 100-year storm shall be assessed to determine that there will be no adverse impact on the proposed subdivision or adjacent and downstream properties. Where water in detention basins will pond to a depth greater than two feet (2'), a four-foot (4') high fence or barrier shall limit access. A twelve-foot (12') wide gate shall allow access for maintenance.
5. No stormwater appurtenances that service the proposed subdivision shall be located outside of the subdivision boundaries.
6. Ownership and responsibility for maintenance of all drainage structures located outside of the right of way (e.g. detention/retention basins, headwalls, swales, etc.) shall become the responsibility of the property owners within the subdivision. Ownership and responsibility for maintenance of those structures shall be deeded to a Homeowner's Association. The Town of Warren will accept neither ownership nor responsibility for maintenance of said structures.

7. The Applicant may consider Low Impact Development (LID) techniques as an alternative to the common catch basin/manhole/retention basin design. LID is encouraged in all subdivisions to the extent practicable. The Planning Board may require information to prove that LID techniques are not feasible on the site.
8. Lots shall be graded in a manner to prevent excessive amounts of stormwater drainage from flowing onto abutting property or adjacent lots within the subdivision, or into the stormwater management system, unless the system is designed (and if existing, modified) to accommodate that runoff. For the purposes of this paragraph, “excessive” shall mean quantities of runoff that cause one or more of the following to occur:
 - a. adverse impact on a septic system causing failure
 - b. creation of wetland conditions in the soil
 - c. flooding during minor or moderate rain events
 - d. erosion of soil
 - e. deposition of sediments
9. Stormwater systems should be designed to reduce suspended solids by a minimum of 80% to prevent pollution from reaching off-site areas and degrading water quality. To achieve these reductions in pollutant loads the Applicant shall incorporate Stormwater Best Management Practices (BMPs) of the Department of Environmental Protection (DEP) and the use of LID techniques.
10. No untreated stormwater shall be discharged to any drainage system owned by the Town of Warren or to any resource area subject to protection under the Wetlands Protection Act (MGL c. 131 §40).

Table 2
O. Right-of-Way and Street Design Standards

	Street Classification	Minor	Secondary	Major
1.	Minimum Right-of-Way Width	50'	50'	60'
2.	Minimum Pavement Width (Traveled Way)	20'	26'	36' (Note 1)
3.	Minimum Radius of Curves (at Centerline of Traveled Way)	150'	200'	500'
4.	Minimum Cross Slope per foot (Note 3)	3/8"	1/4"	1/4"
5.	Minimum Vertical and Horizontal Sight Distance (Note 2)	200'	275'	350'
6.	Minimum Percent Grade	.75%	.75%	.75%
7.	Maximum Percent Grade	10% (Note 4)	8%	6%
8.	Maximum Percent Grade on Curves	6%	4%	4%
9.	Maximum Grade Within 100' of Intersection	3%	2%	2%
10.	Design Speed (mph)	30	40	50
11.	Sidewalks, Four and One-Half Feet (4½') in Width (Note 5)	One Side	Two Sides	Two Sides
12.	Tree Belt	Two 4½'	Two 4½'	Two 4½'
13.	Maximum Number of Lots or Dwelling Units Served	10	NA	Note 6
Notes				
1.	This includes two 12-foot travel lanes and two 6-foot paved shoulders.			
2.	Clear sight distance in travel lane at 3.5 feet above pavement			
3.	3/8" per foot is required for shoulders.			
4.	The Board may grant a waiver to allow a 12% grade where due to severe topography, such grades are necessary to minimize cuts and fills.			
5.	Curb ramps for handicapped accessibility shall be installed where curbs are provided to allow for the continuous movement of persons in wheelchairs throughout the subdivision and to sidewalks on adjacent streets.			
6.	Individual lots shall not have a driveway entering onto a major street.			

SECTION VI REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. General

1. The Applicant shall construct or install, at his own expense, all improvements specified or implied on the Definitive Plan in accordance with the provisions of this Section or as directed by the Board. Items not specifically mentioned herein shall be constructed in accordance with the Standard Specifications for Highways and Bridges of the Massachusetts Department of Transportation, dated 1988, as most recently amended (hereinafter referred to as the Standard Specifications) unless specifically directed otherwise by the Board.
2. All work performed by the Applicant will be subject to the review and approval of the Board. Prior to the start of construction, including clearing of the site, the Applicant shall meet with the Planning Board to discuss construction inspection procedures. The Board will employ a Registered Professional Engineer as its Agent for purposes of inspecting the work. The Applicant will keep the Planning Board informed of the progress of the work and shall provide safe and convenient access to all parts of the work for inspection. The Agent will not approve work that has been covered by subsequent work prior to inspection.

B. Street and Roadway

1. Clearing and Grubbing: The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not specified by the Board for preservation.
2. Subgrade: All materials shall be removed for the full length and width of the roadway to a depth of at least sixteen inches (16") below the finished surface as shown on the profile plan. However, if the Board determines that the soil is soft or spongy, or the soil contains undesirable material, such as clay, sand, tree stumps, stones over six inches (6") in diameter, or any other material detrimental to the subgrade, the Board or its Agent may require a deeper excavation. The subgrade for sidewalks and bike paths shall be eight and one-half inches (8½") below the proposed finished grade. The subgrade for grass plots and loamed areas shall be six inches (6") below the proposed finished grade.
3. Gravel Base Course:
 - a. The roadway foundation shall consist of a minimum of twelve inches (12") of gravel, applied in layers of six inches (6"), each layer compacted before the application of the subsequent layer. The gravel base course shall be fine graded and rolled, true to grade, four inches (4") below the proposed finished grade as shown on the typical road section. The gravel base course shall conform to the Standard Specifications.
 - b. All sidewalks and bike paths shall be provided with a foundation consistent with that required for roadways, except that the minimum compacted thickness shall be eight inches (8"). Subdivision sidewalks and bike paths shall be handicapped accessible in accordance with the Standard Specifications and requirements of the Architectural Access Board.
4. Pavement:
 - a. Roadway surfacing shall consist of four inches (4") Hot Mix Asphalt Pavement laid in two (2) courses consisting of two inches (2") of binder mix and two inches (2") of finish mix. Each course shall be compacted with no less than a ten (10) ton roller.
 - b. Before application of the finish course, the base course shall have been in place for a minimum of twelve (12) months unless the Board approves a shorter period.
 - c. All sidewalks and bike paths shall be four and one-half feet (4½') wide and shall be surfaced in accordance with the specifications for roadway pavement above, except that the binder and

surface courses shall be one and one-half inches (1-1/2") compacted, applied in accordance with the Standard Specifications.

- d. Paving shall occur between April 1 and November 15. The Board may extend the November deadline, weather permitting, if necessary to prepare the roads for winter conditions. The Board shall grant a bond reduction for the binder course only after it has weathered one winter season.

5. Curbing

- a. Except as hereinafter provided, a bituminous concrete berm shall be placed at each edge of the traveled way. The machine-made berm shall be six inches (6") high from the surface of the finished roadway. A tack coat of emulsion shall be applied to the road surface before the installation of the berm.
- b. The Board shall require that granite curbing having a depth of eighteen inches (18") and a thickness of six inches (6") be installed for the entire length of the arc at the edge of the pavement at street intersections. Such curb shall be cut to the radius prescribed on the Definitive Plan. The type of granite curb and its placing shall conform to the Standard Specifications.
- c. A granite curb inlet shall be placed at each catch basin. Each such granite inlet shall be six feet (6') in length, eighteen inches (18") in depth and six inches (6") in thickness. The type of granite inlet and its placing shall conform to the Standard Specifications.

C. Utilities

1. Sewer pipes and related equipment, such as manholes and connecting (Y's) shall be constructed in conformity with specifications of the Board of Sewer Commissioners.
2. Drainage
 - a. The Plan shall provide adequate disposal of surface water. Catch basins shall be provided so that no portion of any road shall drain in one direction more than three hundred feet (300') without catch basins on both sides of the road. In cases of extremely steep or flat grades and excessively large drainage areas, the Board may require installation of catch basins at lesser intervals. Catch basins shall also be located to eliminate, as much as practical, storm water flow across intersections. Manholes shall be installed at every change in grade or alignment.
 - b. The Applicant shall be responsible for intercepting storm water run-off from the entire portion of the drainage basin that drains to or across his property, and shall provide connections to existing water courses or connections to existing storm drains that will protect down-stream properties from flooding and erosion due to the concentration of storm water runoff. Where necessary the developer shall acquire and convey to the Town of Warren drainage easements across adjacent land, and shall install ditches or structures, at his expense, to accomplish this purpose.
3. Water pipes and related equipment, such as hydrants and main shut-off valves, if provided, shall be constructed in conformity with specifications of the applicable Water District. Mains shall be a minimum of eight inches (8") in diameter and hydrants shall not be over five hundred feet (500') apart. Shut-off valves shall be installed to control each street separately.
4. Sewer and water connections for every lot shall be laid from the mains to the property lines before surfacing the streets.
5. All telephone, cable TV, electricity, and fire alarm lines shall be installed underground.

D. Monuments

1. General Requirements: Monuments shall be installed on both street right-of-way lines at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. Each monument shall be set in place after all construction that would destroy or disturb the monuments is completed. Monuments shall conform to the "Manual of Instructions for the Survey of Lands and Preparations of Plans" of the Mass. Land Court.
2. Lot Corners. Wherever physically possible, at least one corner on all lots shall have a permanent monument. The Board's Agent may require monuments at more than one corner.
3. Monuments Every 350 Feet. Wherever physically possible, permanent or semi-permanent monuments shall be located no more than three hundred fifty feet (350') apart along the perimeter of the property lines. Three ties to each monument should be measured and shown on the plan or on an accompanying print or sketch.

E. Street Signs

1. The Applicant shall furnish and install double-faced extruded-aluminum street signs, mounted on two-inch (2") diameter posts. Two street signs, one for each street, shall be erected at each intersection after the installation of the base coat of the roadway.
2. Street signposts shall be ten feet (10') in length, three feet (3') of which shall be buried in the ground. An anchor rod shall be installed with the underground portion to prevent turning or removal.

F. Sidewalks

Sidewalks four and one-half feet (4½') in width constructed of bituminous concrete shall be installed on one side of minor streets and on both sides of secondary and collector streets. The sub-grade shall be compacted to an even, firm surface, and topped with eight inches (8") of approved gravel compacted with a three-ton self-propelled roller. Pavement shall conform to Section VI.B.4. Sidewalks and curb ramps shall meet the standards of the Architectural Access Board.

G. Tree Belts and Lawn Areas

1. Where a sidewalk is located within a street right-of-way, a tree belt four and one-half feet (4½') or more wide shall be planted between the back edge of the pavement or curb and the edge of the sidewalk. Where there is no sidewalk within the street right-of-way, grass shall be seeded in the area between the back edge of the pavement or curb and the property line.
2. Loam shall be placed to a depth of four inches (4") inches after rolling with a hand roller weighing not less than one hundred (100) pounds per foot of width. The source of loam shall be inspected and approved by the Board's Agent before placing. It shall have a normal amount of organic matter and be reasonably free from roots, hard dirt, clay, stones larger than one inch (1"), lumps, weeds, brush, or other litter. Ground limestone where necessary shall be mixed into the loam. Fertilizer shall be spread at the rate specified by the manufacturer and thoroughly incorporated into the loam.
3. Seed: Grass seed conforming to Seed (Standard Specifications Section M6.03.0) shall be placed in accordance with Seeding (Section 765) at the rate of four (4) pounds per one thousand (1000) square feet over the area to be grassed.

H. Trees

1. Trees of two-inch (2") diameter at breast height, ten (10) to twelve (12) feet tall with good straight stems, balled and burlapped (not potted) shall be planted approximately fifty feet (50')

apart on both sides of any street, subject to variations made necessary by driveways, street corners, walks, and the need to protect solar access.

2. Any trees specified by the Board for preservation that are damaged during construction shall be repaired or replaced with trees of ten inch (10") caliper as directed by the Board, at the expense of the Applicant.
3. Trees shall be a wide variety of species with not more than twenty (20) percent of any one species planted within a subdivision. The Warren Tree Warden shall approve the species of tree. Norway Maples are not permitted. Trees shall be planted either in the four and one-half foot (4½') tree belt or behind the sidewalks no further than ten feet (10') from the front lot line. All locations shall be subject to the approval of the Tree Warden. Existing trees along the proposed street that conform to these requirements may be substituted for new trees at the discretion of the Board.
4. The planting cavity shall be of sufficient depth and width to accommodate the root system without cramping. A minimum of one foot (1') of loam and sufficient fertilizer shall be placed at each planting, and a minimum of three-foot (3') circle, two inches (2") deep of woodchip mulch shall surround each tree at the surface. The trees shall be watered when planted.
5. Each tree shall be supported with a 2" x 2" x 8' wooden stake and shall be fastened at the top with a loop of rubber or suitable fabric hosing.
6. A continuous healthy growth for all planted trees, shrubs, plants and seeded areas shall be maintained by the Applicant until the street is accepted by the Town. Prior to acceptance, all dead, damaged, or diseased trees shall be replaced with healthy stock.

I. Clean-up

Upon suspension or completion of the work or any portion thereof, the contractor shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his operations. All trenches shall be filled, all sewers, drains, catch basins and manholes cleaned and flushed; streets, walks, curbs, and other structures cleaned and repaired, and the whole work left in a neat and clean condition.

J. As-Built Plans

Upon the completion of construction, the Applicant shall file with the Board construction plans showing the streets, drainage and other subdivision improvements as built, including the location of any water or sewer mains, monuments, utilities, and assigned house numbers. In lieu of such submission, the applicant's land surveyor and/or engineer may update and submit a mylar of the Definitive Plan approved by the Board. Such filing shall also include a certification, signed and sealed by a registered land surveyor and/or professional engineer that such surveyor and/or engineer has inspected all construction work and all improvements have been completed in accordance with plans and specifications approved by the Board.

SECTION VII: INSPECTIONS

A. General

1. The Applicant shall arrange for inspections during the work with the Planning Board Agent prior to starting construction. The Agent will provide the Applicant with the checklist covering these inspections. The Agent will sign this checklist after satisfactory completion of each step by the contractor. The Applicant shall request inspections at least forty-eight (48) hours in advance by written notice to the Agent, with a copy to the Board. Inspections shall occur after each step listed below. All inspection costs shall be borne by the Applicant.
2. Failure by the Agent to reject any defective work or materials shall not prevent later rejection if any defect is discovered, or obligate the Planning Board to recommend final acceptance.
3. The Applicant shall promptly carry out all orders of the Agent requiring correction of work. Failure to comply with such orders will be cause for the Agent to issue a stop-work order. If the Applicant fails to notify the Agent of a required inspection and proceeds to cover up the work, the Agent shall order the Applicant to expose the uninspected work for inspection. After the Agent issues a stop-work order, no further work shall take place until the Planning Board issues a written order to continue.

B. Inspection Steps

- a. Clearing and grubbing of right-of-way
- b. Sub-grade preparation
- c. Below grade drainage
- d. Water pipes, hydrants, and related equipment
- e. Sewer system
- f. Fire alarm installation
- g. Gravel base
- h. Curb installation
- i. Pavement binder course
- j. Surface drainage
- k. Berm installation
- l. Finish pavement course
- m. Sidewalk construction
- n. Trees
- o. Tree Belts
- p. Street lights
- q. Street signs and monuments
- r. Final clean-up

SECTION VIII ADMINISTRATION

A. Variation

1. The Board may waive strict compliance with the requirements of these Rules and Regulations when, in the judgment of the Board, such action is in the public interest and is consistent with the Subdivision Control Law.
2. Waivers granted by the Board shall be either inscribed on the Definitive Plan or contained in a separate instrument recorded at the Registry of Deeds and referenced on the Plan.
3. In accordance with M.G.L. c. 41 §81-W, the Board on its own motion or on the petition of any interested person shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan.

B. Reference

For matters not covered by these rules and regulations, reference is made to the Subdivision Control Law, Mass. General Laws Chapter 41, Sections 81-K to 81-GG, inclusive.

C. One Dwelling Per Lot

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Warren without the consent of the Planning Board.

D. Effective Date

These regulations become effective after approval by the Board, certification by the Town Clerk, and filing with the Registry of Deeds and the Recorder of the Land Court, on which date they supersede the present “Rules and Regulations Governing the Subdivision of Land”, which became effective on June 12, 1973.

Forms



TEL: (413) 436-9312 X 260

FAX: (413) 436-9754

TOWN OF WARREN
PLANNING BOARD
WARREN, MASSACHUSETTS 01083

FORM A

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section II B.

Warren, Massachusetts _____, 20__

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Warren does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of property recorded in Worcester Registry

Book _____ Page _____

4. Description and location of property:

Signature of Owner _____

Address _____



TEL: (413) 436-9312 X 260

FAX: (413) 436-9754

TOWN OF WARREN
PLANNING BOARD
WARREN, MASSACHUSETTS 01083

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the planning Board and one copy with the Town Clerk in accordance with the requirements of Section III A 2.

Warren, Massachusetts _____, 20__

To the Planning Board:

The undersigned herewith submits the accompanying preliminary plan of property located in the Town of Warren showing in a general way the proposed subdivision of the land, and makes application to the Board for approval thereof.

1. Name of Applicant _____
Address _____
2. Name of Engineer _____
Address _____
3. Name of Surveyor _____
Address _____
4. Name of Subdivider _____
Address _____
5. Deed of property recorded in Worcester Registry
Book _____ Page _____
6. Location and description of property:

Signature of Owner _____
Address _____

Note: This application is not deemed to have been submitted until the following endorsement has been completed by a member of the Warren Planning Board.

Accepted this ____ day of _____, 20__ as duly submitted under the Rules and Regulations of the Warren Planning Board.

by _____

A list of the names and addresses of abutters is attached. Verification will be made by the Planning Board.



TEL: (413) 436-9312 X 260

FAX: (413) 436-9754

TOWN OF WARREN
PLANNING BOARD
WARREN, MASSACHUSETTS 01083

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section III B 1.

Warren, Massachusetts _____, 20__

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Warren for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land in the Town of Warren.

1. Name of Applicant _____
Address _____
2. Name of Engineer _____
Address _____
3. Name of Surveyor _____
Address _____
4. Name of Subdivider _____
Address _____
5. Deed of property recorded in Worcester Registry
Book _____ Page _____
6. Location and description of property:

Signature of Owner _____

Address _____

Note: This application is not deemed to have been submitted until the following endorsement has been completed by a member of the Warren Planning Board.

Accepted this ____ day of _____, 20__ as duly submitted under the Rules and Regulations of the Warren Planning Board.

by _____

A list of the names and addresses of abutters is attached. Verification will be made by the Planning Board.



TEL: (413) 436-9312 X 260

FAX: (413) 436-9754

TOWN OF WARREN
PLANNING BOARD
WARREN, MASSACHUSETTS 01083

FORM D

CERTIFICATE OF PERFORMANCE (Release from restrictions)

Warren, Massachusetts _____, 20__

The undersigned being a majority of the Planning Board of the Town of Warren, Massachusetts, hereby certify that the requirements for work on the ground called for by the Conditional Approval dated _____, 20__, and recorded in the Worcester District Registry of Deeds, Book ____ Page ____ (or registered in the Land Court of the Commonwealth of Massachusetts as Document No. _____, and noted on Certificate of Title No. _____ in Registration Book ____ Page ____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Registry of Deeds, Plan ____ Book ____, (or registered in said Land Court, Plan Book ____, Plan ____) and said lot s are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows: _____

Majority of the Planning Board
of the Town of Warren,

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____ 20__

Then personally appeared one of the above named members of the Planning Board of the Town of Warren, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Notary Public

My Commission expires: _____



TEL: (413) 436-9312 X 260

FAX: (413) 436-9754

TOWN OF WARREN
PLANNING BOARD
WARREN, MASSACHUSETTS 01083

INSPECTION CHECKLIST

Inspection shall be carried out at specified times during the improvement of a subdivision by the Planning Board or its authorized agent. The Applicant shall notify the responsible agencies and the Board in sufficient time for these inspections to take place. The cost of such inspections shall be borne by the developer and shall include "portal to portal" and "off-site analysis costs".

Approval of a subdivision shall be rescinded by the Board unless written proof exists that the required inspections have been made by the Board or its authorized agent.

Name of Subdivision _____

Name of Applicant _____ Phone No. _____

	Date	Agent
1. Clearing and grubbing		
2. Sub-grade preparation		
3. Below-grade drainage		
4. Water pipe and equipment		
5. Sewer System		
6. Fire alarm installation		
7. Gravel base course		
8. Curb installation		
9. Binder course		
10. Surface drainage		
11. Berm installation		
12. Finish course		
13. Sidewalk construction		
14. Trees		
15. Tree belts		
16. Street lights		
17. Street signs & monuments		
18. Final clean-up		